


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

DEPARTMENT OF CORRECTIONS

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Part	Section	Subject	Policy No.	Review Date
Administration and Management	Personnel	Standards of Conduct	1.3.3	
ACA Standards	3-ALDF: 1C-01 Personnel Policy Manual; Personnel Service System Rules and Regulations; 1C-23 Code of Ethics			
Consent Decree	Paragraph 54 Develop Facility Policies and Procedures			

I. PURPOSE

To establish the employee's Standards of Conduct for the Department of Corrections.

II. POLICY

It is the policy of the Department of Corrections to utilize the disciplinary process in an effort to correct and improve employee conduct and performance in a fair, equitable, and just manner. Consistent with the concept of progressive discipline, the Department uses the least punitive corrective action necessary to promote compliance with department policy. It is the Department's policy to utilize a positive disciplinary system that includes procedures for counseling employees when corrective measures are necessary, providing reward and recognition when appropriate and for taking progressive disciplinary action when required. This policy and procedures are intended to serve as a deterrent against unacceptable and counterproductive behaviors, and to encourage employees to exert their efforts towards efficiency and productivity in their work. This policy adopts and supplements the American Correctional Association Code of Ethics and is made a part of this policy.

III. PROCEDURES
A. Standards of Conduct and Recommended Remedies

1. The Standards of Conduct is not inclusive, but is a guide that should be followed to ensure consistency in the handling of disciplinary actions. Remedies for offenses should normally fall within the range shown unless mitigating or aggravating factors justify a remedy outside the range. In the case of an offense not listed, comparing the gravity of the offense with other offenses that are listed and utilizing the range of penalties provided for an offense of similar gravity should determine the appropriate penalty. Management officials may contact the Office of Personnel Management for assistance.

2. Due to the nature of their positions, offenses by supervisors may warrant more severe remedies on the same offense committed by a non-supervisory employee. When used to select a range of remedies (first, second or third offense) or a specific remedy, a past offense must be described in sufficient detail to enable the employee to understand and respond to it. Past offenses may be used in determining a range of remedies or remedy when:
 - a. The employee was disciplined in writing;
 - b. The employee was provided the opportunity to dispute the action to a higher level; and
 - c. The action was made a matter of record in the employee's Official Personnel File.
3. Any past offense may form the basis for proposing a remedy from the next higher range of remedies for a subsequent offense. The offenses need not be identical or similar. Oral admonishment and letters of caution or requirement and/or letters of reprimand from the preceding year may be considered when determining an appropriate remedy within a range for any subsequent offense.
4. The minimum penalty imposed for an offense should normally be the minimum penalty that is stated in the penalty range for the type of offense charged. More severe penalties than those provided may be appropriate when extreme aggravating circumstances exist. The use of a penalty more severe than the range listed must be justified and receive approval from the Director of Personnel.
5. In determining the appropriate penalty, the Commissioner of Corrections will take into consideration all relevant facts and the guidelines provided by the Office of Personnel Management. Selection of the appropriate penalty requires a responsible balancing of relevant factors, which are determined to be relevant to the offense and impose disciplinary action, which is reasonable under the circumstances. The following should be considered as appropriate in determining the penalty to be imposed:
 - a) The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, and whether it was committed maliciously or for gain, and whether it was a one-time incident or frequently repeated.
 - b) The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.
 - c) The employee's past disciplinary record.
 - d) The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.

- e) The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties.
- f) Consistency of the penalty with those imposed upon other employees for the same or similar offenses.
- g) Consistency of the penalty with the applicable CNMI Schedule of Recommended Remedies.
- h) The notoriety of the offense or its effect upon the reputation of the CNMI government or the employee's department/activity.
- i) The clarity with which the employee was on notice of any rules that were violated in committing the offense, and whether or not the employee had been warned previously about the conduct in question.
- j) Mitigating circumstances surrounding the offense, such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter.
- k) Aggravating circumstances surrounding the offense, such as extraordinary deliberation, extreme maliciousness or violence in the commission of the offense, or the severity of damage that resulted.
- l) The potential for the employee's rehabilitation.

M) The adequacy and effectiveness of alternative sanctions to disciplinary action that will deter such conduct in the future by the offending employee or by other employees.

B. Standards of Conduct and Penalty Range

1.1 Equal Enforcement:

Department personnel shall treat all persons fairly and equally in their job performance without regard to race, color, sex, religion, national origin, age, disability, political affiliation, or any reprisal or retaliation action against a complainant, representative, witness or other persons involved in the Equal Employment Opportunity (EEO) complaint process.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	Removal
Second Offense:	14-day suspension	Removal
Third Offense:	Removal	

1.2 Department Members Shall Abide by All Laws:

All members of the Department shall be familiar with, conform to, and abide by the applicable laws of the United States of America, CNMI laws and the departmental rules and regulations.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	Removal
Second Offense:	5-day suspension	Removal
Third Offense:	10-day suspension	Removal

1.3 Misconduct Shall Not Be Tolerated:

The duties performed by the Department are vital to the safety, security and well being of the community. Because of the importance of these duties, it is essential that the Department set and maintained high standards of conduct among its personnel. Misconduct by Department members shall not be tolerated because it weakens the department's effectiveness, erodes public trust, and can endanger members of the public, personnel of the department and inmates/detainees.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	4-day suspension	Removal
Second Offense:	30-day suspension	Removal
Third Offense:	Removal	

1.4 Conduct Unbecoming a Department Member:

Conduct unbecoming a department member shall include that which tends to bring the Department into disrepute, erode public trust, reflect discredit upon the employee as a member of the Department or that which would tend to impair the operation, effectiveness or efficiency of the Department or the employee.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	5-day suspension	Reduction in rank
Second Offense:	10-day suspension	Removal
Third Offense:	20-day suspension	Removal

1.5 Criminal Conduct Shall Be Grounds for Termination:

Violations of any law, information filed against any Department member, or a criminal conviction shall be cause for disciplinary action up to and including termination of employment. If the employee is convicted of a felony during the course of his/her employment, the employee shall be terminated. If an employee is convicted of a misdemeanor, during the course of employment, the employee

shall be suspended for forty five (45) days without pay. A second misdemeanor conviction within two (2) years will subject the employee to dismissal.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	45-day suspension	Removal
Second Offense:	Removal	

1.6 Duties Shall Be Performed in a Competent Manner:

Department personnel shall perform their assigned duties and responsibilities in a competent manner. Incompetence may be demonstrated by, but not necessarily limited to:

- a) A lack of knowledge of the laws to be enforced;
- b) An unwillingness to perform an assigned task;
- c) Failure to conform to work standards established for the employee's rank or position;
- d) Failure to take appropriate action on the occasion of a crime, instance of disorder, or other incident;
- e) Repeated performance evaluations showing substandard performance in a single category or overall composite score.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	Removal
Second Offense:	15-day suspension	Removal
Third Offense:	30-day suspension	Removal

1.7 Department Members Shall be Courteous to Fellow Staff, Inmates and Public:

Department personnel shall be courteous to fellow employees, inmates and the public. They shall be orderly, attentive, and shall exercise patience and discretion in dealing with fellow employees, inmates and the public. This is an integral part of maintaining a cohesive and healthy team, and it is expected that Department members shall conduct themselves with pride in their position and Department.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension
Second Offense:	5-day suspension	Removal

Third Offense:	10-day suspension	Removal
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1.8 Department Members Shall Refrain from Ridicule:

Department personnel shall not engage in any political or religious discussions to the detriment of discipline. They shall not speak in a derogatory manner of the nationality, sex, race, creed or color of any person. They shall not ridicule or make remarks that would tend to jeopardize working relationships with other agencies.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension
Second Offense:	5-day suspension	10-day suspension
Third Offense:	10-day suspension	Removal

1.9 Superior Is Responsible for Conflicting Orders:

A department member receiving any lawful order or direction given by a superior, which conflicts with any previous order or published directive, shall respectfully bring this conflict to the attention of the superior. The superior who issued the conflicting order shall assume responsibility for the subordinate's action.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	Removal
Second Offense:	30-day suspension	Removal
Third Offense:	Removal	

2.0 Political Activities while on Duty are Prohibited:

Department members shall not participate in political activities while on duty. Political activities include, but are not limited to:

- a) Soliciting or receiving any assessment, subscription or contribution for any political party or cause;
- b) Storing, posting, carrying or distributing political literature of any nature;
- c) Use official authority or influence for the purpose of interfering with an election or affecting the result thereof;
- d) Use official authority or influence to coerce the political action of any person or party;

- e) Be obligated to contribute to any political fund or to render any political service, nor shall he or she be removed or otherwise prejudiced for refusing to do so;
- f) No person shall, in any room or building occupied in the discharge of official duties by any official or employee, solicit in any manner whatsoever or receive any contribution of money or other things of value from any official or employee for any political purpose whatsoever;
- g) It is an offense for any person to cause or threaten to be caused a demotion in rank or civil service classification or position, or a decrease in pay or any other benefit, or tenure of employment, of any government employee, with intent to discourage or encourage such government employee to support any candidate for public office, initiative or referendum, or political party;
- h) Personnel shall not engage in political campaign activities while on-duty, in uniform, or in a manner that affiliates the Department with the political campaign or party;
- i) Solicit or receive political contributions from anyone while on government time or on government property;
- j) Campaign for any candidate for public office during official working hours; and
- k) Promote or oppose legislation relating to programs of the departments without the official sanction of the proper departmental authority. (It should be clearly understood, however, that nothing in this policy is to be considered as restricting or interfering with the obligation of employees to respond freely and candidly to any inquiries made of them in regard to appropriations or related matters.)

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	Removal
Second Offense	15-day suspension	Removal
Third Offense:	30-day suspension	Removal

2.1 Public Statements Must Be Authorized:

Department members shall not make statements on behalf of the Department concerning the plans, policies, or administration of the department unless authorized to do so. Department members who plan to speak publicly concerning the work of the department shall notify the Commissioner of Corrections or his designee, prior to speaking. Any public statement concerning department policy shall accurately represent that policy. Any statement about the department or its

functions, which reflects a department member's personal opinion, will be clearly identified as such.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	10-day suspension
Second Offense:	15-day suspension	30-days suspension
Third Offense:	30-days suspension	Removal

2.2 Department Members Shall Not Accept Gratuities:

Department members shall not directly or indirectly solicit or accept gratuities, loans, gifts, merchandise, meals, beverages, or any other thing of value not authorized by law for past, present or future performance, nonperformance, or for any act or omissions believed to have been either within the official discretion of the personnel or in violation of CNMI law.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	30-day suspension	Removal
Second Offense:	45-day suspension	Removal
Third Offense:	Removal	

2.3 Verbal Abuse and Harassment are Prohibited:

Department members shall not verbally or otherwise abuse or harass other department members, inmates or citizens.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension
Second Offense:	5-day suspension	30-day suspension
Third Offense:	30-day suspension	Removal

2.4 Department Members Shall Not Consume Alcohol and/or Drugs on Duty:

Department members shall not:

- a) Consume alcohol and/or drugs or under the influence of alcohol and/or drugs while on duty;
- b) Report for duty while under the influence of alcohol and/or drugs;
- c) Consume any alcoholic beverage and/or drugs during the four (4) hour period preceding the start of their scheduled shift;

- d) Possess an open container of alcohol while at his or her work place;
- e) Unauthorized possession, sale or transfer of alcohol and/or drugs on duty or on government premises;
- f) Refusal to submit to a breath alcohol test or drug test;
- g) Refuse to be tested after receiving clear and specific written notice of the requirement to be tested;
- h) Engage in conduct that clearly obstructs the specimen collection process;
- i) Fail to remain available for post-accident testing, or leaving the scene of an accident before a testing decision is made;
- j) Refuse to comply with treatment recommendations; and
- k) Other requirements as set forth in the Alcohol and Drug Free Workplace Policy.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	15-day suspension	Removal
Second Offense:	30-day suspension	Removal
Third Offense:	Removal	

2.5 Drugs and Medications Affecting Duties Shall be Reported:

Department members shall not have in their possession any controlled substance, narcotic, or hallucinogen, except in furtherance of their duties or when legally prescribed by a physician. When a department member is taking any medication that could affect work performance, the department member will notify his or her supervisor in writing.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	15-day suspension	Removal
Second Offense:	30-day suspension	Removal

2.6 Sleeping on Duty is Prohibited:

Department members shall remain awake while on duty. If a department member is unable to remain awake, that person shall report it to his or her supervisor.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension
Second Offense:	5-day suspension	Removal
Third Offense:	10-day suspension	Removal

2.7 Department Members Shall Not Aid Escape:

Department members shall not allow any inmate in his/her charge to escape, either through neglect or design or allow an inmate to be released without proper documents.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense	45-day suspension	Removal
Second Offense:	Removal	

2.8 Department Of Corrections Stationary Shall be Used for Official Business Only:

Department stationary or letterhead shall be used for official purposes only.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension
Second Offense:	5-day suspension	Removal
Third Offense:	10-day suspension	Removal

2.9 Commercial Endorsements are Prohibited:

Department members shall not permit or authorize the identification of themselves as members of the department or use their official titles or uniforms in connection with any testimonials or advertisements for any commodity or any commercial enterprise unless authorized by the Commissioner of Corrections or his designee.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension
Second Offense:	5-day suspension	Removal
Third Offense:	10-day suspension	Removal

3.0 Association with Known Offenders or Convicted Persons is Prohibited:

Department members shall avoid regular, unnecessary association with persons whom they know whom are racketeers, sexual offenders, professional gamblers,

suspected felons, or persons under criminal investigation or indictment, or convicted persons, except for immediate family members.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	Removal
Second Offense:	10-day suspension	Removal
Third Offense:	20-day suspension	Removal

3.1 Department Members Are Required to Report Misconduct:

Department members shall report, in writing, any violation of departmental policy and procedures, neglect of duty, or illegal conduct by any member of the department to their supervisors or command officers. Department members shall not knowingly make false accusations.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	15-day suspension
Second Offense:	15-day suspension	Removal
Third Offense:	30-day suspension	Removal

3.2 Off Duty Conduct Shall Reflect Favorably on Department:

Department members shall conduct themselves at all times while off duty, in such a manner to reflect most favorably on the Department. When off duty, department members shall not:

- a) Become involved in family or neighborhood disputes in their official capacity;
- b) Exercise their official authority in disputes to which they are a party except in cases where there is an immediate danger to themselves or others.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	5-day suspension	Removal
Second Offense:	10-day suspension	Removal
Third Offense:	20-day suspension	Removal

3.3 Department Members Shall Not Make Untruthful Statements:

As an employee of the Department, the employee has an obligation to answer questions specifically, directly, narrowly and categorically related to the performance of his or her official duties. This obligation exists even though the answers to the questions may implicate the employee in a violation of departmental rules, regulations and procedures, which may ultimately result in some form of discipline up to and including dismissal. In short, in administrative

investigation, there is no right to remain silent. Department members shall not make false or misleading statements to a supervisor or command officer when questioned, interviewed or in submitting any verbal or written reports, or when testifying in court or other legal hearings. Department personnel shall not knowingly make false statements to a supervisor or to any official of the Department or a government agency during an official proceeding even though such statements are not made under oath. Nor shall personnel knowingly make false statements while under oath in an official proceeding.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	Removal
Second Offense:	15-day suspension	Removal
Third Offense:	30-day suspension	Removal

3.4 Special Privilege Credentials Shall Not Be Given:

Department members are prohibited from issuing any type of credential, or device, which assumes to grant to the person holding such credential any special privileges or consideration so far as the business of the Department is concerned.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Removal	

3.5 Department Members Shall Not Furnish Bond or Bail:

Department members shall not furnish bond or bail to any person other than an immediate family member.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	5-day suspension	Removal
Second Offense:	15-day suspension	Removal
Third Offense:	30-day suspension	Removal

3.6 Personnel Shall Not Recommend Lawyer/Bail Bondsman:

Department members shall not recommend to any person, other than an immediate family member, the services of any lawyer, bail bondsman, or bonding company.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	5-day suspension	Removal
Second Offense:	15-day suspension	Removal

Third Offense:	30-day suspension	Removal
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3.7 Purchases Shall Be Authorized:

Department members shall not purchase anything chargeable to the Department except as authorized by the Secretary of Corrections or his designee.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Removal	

3.8 Chain of Command Shall be Notified of Major Incidents:

Department members shall notify their supervisor, Commissioner of Corrections, Director of Corrections, Deputy Director of Corrections and Operations Captain of any crime or incident of major importance which, by its circumstances, may require their immediate attention. The following shall be reported immediately:

- a) Staff or inmate death.
- b) Escape attempt, or escape.
- c) Riot and/or hostage situation.
- d) Inmate Suicide, or suicide attempt.
- e) Injury to staff or inmate.
- f) Vehicle accidents involving staff and government vehicle.
- g) Discharge of a firearm or any incident involving firearms and ammunitions.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	15-day suspension	Removal
Second Offense:	20-day suspension	Removal
Third Offense:	30-day suspension	Removal

3.9 Insubordination:

Department employees shall faithfully and promptly obey the orders of their superior officers or supervisors, and any failure or deliberate refusal to obey a lawful order given by a superior officer or supervisor shall be insubordination.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	Reduction in rank

Second Offense:	15-day suspension	30-day suspension
Third Offense:	30-day suspension	Removal

4.0 Department Records and Files:

Department employees shall not gain unauthorized access to personnel or other non-public record files of the Department, and shall not make unauthorized disclosure of such information to any person.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	Reduction in rank
Second Offense:	15-day suspension	Reduction in rank
Third Offense:	30-day suspension	Removal

4.1 Notification of Correct Address and Telephone or Pager Number:

Department personnel shall keep the Department informed of their correct physical residential address, telephone and/or pager number. Sworn personnel are required to have telephone service to their residences, and they shall make notification to their Shift Supervisor within 24 hours after any change is made in their residential address, telephone, or pager number. The Shift Supervisor shall notify all other related functions of the change. All sworn officers of this Department are subject to "call out", 24-hours a day in the event of catastrophe, riot, or other emergency circumstances. For this reason, sworn officers are required to provide their Shift Supervisor with any and all cellular telephone numbers, pager numbers or other telephone numbers where they may be reached in emergency circumstances. It shall be the duty of the Shift Supervisor to maintain a file of these numbers and update it as needed. If a sworn officer does not have a cellular telephone, pager, or other telephone number, he/she must advise Central Control of their location when off-duty and away from their residence for more than four (4) hours.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension
Second Offense:	10-day suspension	Reduction in rank
Third Offense:	Reduction in rank	Removal

4.2 Reporting for Duty:

Department personnel shall report for duty in accordance with their assigned work schedule and shall not be absent from duty without authorization. Personnel who are unable to report to work at the required time due to unforeseen and unexpected circumstances (not to include sick leave) notify their supervisor as soon as possible. Repeated tardiness due to unforeseen and unexpected

circumstances may be viewed as a pattern and would result in violation of this provision.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Warning	3-day suspension
Second Offense:	Reprimand	10-day suspension
Third Offense:	15-day suspension	Removal

4.3 Absent Without Leave (AWOL):

Department employees not present at the start of their scheduled tour of duty and have not reported as being tardy or sick or when the absence is not authorized by a commanding officer shall be considered absent without leave.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	3-day suspension
Second Offense:	5-day suspension	30-day suspension
Third Offense:	30-day suspension	Removal

4.4 Failure or Refusal to Work Overtime, Special Hours or Special Events:

Department personnel shall promptly report for duty or remain on duty when assigned to work overtime, special hours, special shifts, special events or any other assignment.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	3-day suspension
Second Offense:	5-day suspension	30-day suspension
Third Offense:	30-day suspension	Removal

4.5 Misuse of Sick Leave:

Personnel shall not feign illness, injury or falsely report themselves ill or injured or deceive any superior or supervisor of the Department as to the condition of their health for purposes of avoiding normal duties through the use of accumulated sick leave. Falsification of an illness report shall be considered sufficient cause for disciplinary action, including dismissal from the government service for repeated offenses. If an employee is absent because of illness, injury or quarantine in excess of three (3) days, the employee may be required to furnish a certification as to the incapacity from the attending physician. The Commissioner of Corrections or his designee may require certification for such other period(s) of illness as is appropriate. If the required certification is not furnished, all absence, which would have been covered by such certification, shall be indicated on the

time and attendance record and the payroll as Absent Without Leave (AWOL). Performance of physical, income producing or recreational activities while on sick leave shall be considered as evidence of sick leave abuse. Personnel who are on sick leave or are being compensated through Workman's Compensation are expected to remain at their place of residence during their normally scheduled tour of duty or to cause prompt notification of a supervisor with a location at which they might be reached. Personnel may, however, leave the place of residence for a short duration as necessary for obtaining medical aid or assistance, food or sustenance, for performing necessary domestic errands, or exercise of civil rights to vote, travel to, or engage in, religious pursuits.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	3-day suspension
Second Offense:	5-day suspension	30-day suspension
Third Offense:	30-day suspension	Removal

4.6 Misuse of Annual Leave:

Annual leave, or vacation, shall be granted for the purpose of rest and relaxation. Annual leave request of more than three (3) working days must be made in advance on a leave request form and must be approved prior to the leave being taken. Employees taking annual leave on the day before and after regular scheduled days off or on weekends are considered abuse of annual leave and are grounds for disciplinary action.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	3-day suspension
Second Offense:	5-day suspension	30-day suspension
Third Offense:	30-day suspension	Removal

4.7 Inattentive to Duty:

Department personnel shall perform their duties in a conscientious manner and shall not engage in horseplay, loafing, wasting time or inattentive to duty while on-duty or at Department facility or workstation, and shall not distract others who are performing assigned duties. Employees shall not engage in physical conduct that endangers the safety of others, threats or fighting.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	15-day suspension
Second Offense:	30-day suspension	Removal
Third Offense:	Removal	

4.8 Abuse of Meal and Break Periods:

Department personnel shall take only the specified amount of time for meal or rest periods. Personnel shall not take meal periods within one (1) hour of reporting for duty or within the last one (1) hour of duty.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	3-day suspension
Second Offense:	5-day suspension	30-day suspension
Third Offense:	30-day suspension	Removal

4.9 Submission of Reports and Documents:

Department personnel shall initiate, complete, and submit all reports and documents required in the execution of their duties prior to completing their tour of duty except as authorized by a supervisor.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	15-day suspension
Second Offense:	15-day suspension	30-day suspension
Third Offense:	30-day suspension	Removal

5.0 Citizen Complaints Shall be Accepted and Recorded:

Department employees shall courteously and promptly accept and document all citizens' complaints of officer or employee misconduct made in person, in writing, by telephone or anonymously. The complaint shall be documented on the appropriate form and shall be immediately forwarded to the Professional Standards Unit.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension
Second Offense:	10-day suspension	30-day suspension
Third Offense:	30-day suspension	Removal

5.1 Monitors and Response to Radio Call:

Department personnel shall monitor designated frequency and respond promptly and clearly to radio transmissions when on duty. Personnel shall comply with the Radio Communication Policy and Procedures.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	3-day suspension
Second Offense:	5-day suspension	30-day suspension
Third Offense:	30-day suspension	Removal

5.2 Supervisor Responsibilities:

Failure of the supervisor to discipline or recommend an employee to be disciplined for specified offensive behavior or violation of the standards of conduct shall subject the supervisor to be disciplined.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Warning	10-day suspension
Second Offense:	10-day suspension	30-day suspension
Third Offense:	Reduction in rank	Removal

5.3 Leaving Post or Assigned Duties:

Department employees shall not leave his/her assigned post until properly relieved or given permission from his/her supervisor.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Warning	3-day suspension
Second Offense:	3-day suspension	10-day suspension
Third Offense:	30-day suspension	Removal

5.4 Staff Location and Activity:

A DOC staff shall not deceive or attempt to deceive any supervisor or the Central Control by falsely communicating his or her location or activity.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Warning	3-day suspension
Second Offense:	3-day suspension	10-day suspension
Third Offense:	30-day suspension	Removal

5.5 Misuse of Chemical Agents or Restraining Devices:

Sworn personnel shall not use chemical agents or restraining devices for any purpose for which they are not intended. The intended use of chemical agents or restraining devices is to subdue persons who are combative or uncooperative and/or to secure persons to prevent escape. Officers shall not use chemical agents

in horseplay, practical joke, or other activity not in keeping with the intended use of chemical agents. The use of chemical agents and/or restraining devices should be in accordance with their respective policy and procedures.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	3-day suspension	15-day suspension
Second Offense:	15-day suspension	30-day suspension
Third Offense:	Reduction in rank	Removal

5.6 Search of Inmates:

Sworn personnel shall exercise proper care in searching, transporting, and detention of inmates to prevent escape, injury to self or others, or damage to property. Inmates shall be searched thoroughly by the officer and all weapons, contraband, or evidence will be confiscated. When an inmate cannot be thoroughly searched before being turned over to another officer, the officer shall notify the officer receiving the inmate that a thorough search has not been conducted. Officers shall exercise proper care in the search of any inmate before the inmate enters the facility. If necessary, an officer may request assistance from corrections personnel to ensure that proper and thorough search is conducted. This is to ensure that inmates do not introduce contraband, firearm (loaded or unloaded), explosive materials, knife, club, or any device, which by its nature or design is intended to or may inflict injury to staff, the inmate, or other inmates.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	3-day suspension	15-day suspension
Second Offense:	15-day suspension	30-day suspension
Third Offense:	Reduction in rank	Removal

5.7 Firearms in Department of Corrections Facility is Prohibited:

Department personnel must be aware that firearms or explosives in the facility can cause great hazards to the lives of others. No officer or employee shall wear, carry, or introduce any firearm (loaded or unloaded) or any explosive material into the facility. Officers and employees are also considered to be in violation of this rule if they admit non-employees, visitors, or officers from other agencies into the facility while those persons are in possession of firearms or any explosive material.

Any employee or officer who introduces any package, parcel, or container into the facility is responsible for searching the item to ensure that it is free of any dangerous materials or contraband. This rule is not intended to prohibit the use of firearms when officers are engaged or participating in an emergency operations function in the facility.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	5-day suspension	30-day suspension
Second Offense:	30-day suspension	Removal
Third Offense:	Removal	

5.8 Sexual Misconduct:

- a) Sexual misconduct is any activity such as sexual intercourse, sodomy, oral copulation or any touching of the sexual or other intimate parts of another person or any touching of another person by a person's sexual or other intimate parts done with the intent of gratifying or arousing the sexual desire of either party.
- b) Department personnel are prohibited from engaging in sexual activity, whether consensual or not, while in uniform or on duty.
- c) Sexual activity while on duty or in uniform constitutes a serious violation of the trust placed in the Department and its employees, and may impair the ability of the Department to fulfill its mission, or may bring the Department into public disrepute.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	30-day suspension	Removal
Second Offense:	Removal	

5.9 Sexual Harassment:

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
- b) Submission to, or rejection of such conduct is used as a basis for employment decisions affecting an employee.
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- d) Any other repeated or unwarranted verbal or physical sexual advance, sexually explicit derogatory statement, or sexually discriminatory remark made by someone in the workplace which is offensive or objectionable to the

recipient, or causes the recipient discomfort or humiliation, or interferes with the recipient's job performance.

Examples of sexual harassment include the following:

1. Verbal harassment or abuse.
2. Indirect or direct pressure for sexual favor or activity.
3. Sexual flirtation, touching, advances or propositions.
4. Graphic or suggestive comments about an individual's dress or body.
5. Sexually degrading words used to describe an individual.
6. The display in the workplace of specifically suggestive objects or pictures, including nude photographs.
7. Demands for sexual favors accompanied by an implied or overt threat or preferential promise concerning an individual's employment status.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	30-day suspension	Removal
Second Offense:	Removal	

6.0 Uniforms, Equipment And Appearance:

All sworn personnel of the department shall maintain in good order a regulation uniform. Sworn personnel shall be neat in appearance and well-groomed while in uniform. All articles of uniform shall conform to the departmental uniform regulations. Civilian clothing will not be worn with any distinguishable part of the official uniform.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	10-day suspension
Second Offense:	10-day suspension	30-day suspension
Third Offense:	Reduction in rank	Removal

6.1 Possession of Identification:

All on-duty officers shall carry their badges on their person at all times except when impractical or during hazardous covert assignments. Civilian employees should carry DOC identification card.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Warning	3-day suspension
Second Offense:	3-day suspension	30-day suspension
Third Offense:	30-day suspension	Removal

6.2 Reporting Personal Injury:

Department personnel sustaining any personal injury while on duty shall promptly report the injury to their supervisor. The supervisor shall take appropriate action to notify the chain of command. Failure to do so may hinder the employee's ability to collect Workman's Compensation claims.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	3-day suspension	30-day suspension
Second Offense:	30-day suspension	Removal
Third Offense:	Removal	

6.3 Reporting Loss of Equipment, Badge, or ID Card:

Personnel shall immediately report in writing any damage or loss firearm, badge, ID card or other equipment to a supervisor. The supervisor will notify the Logistic/Supply Section for appropriate actions. Personnel are responsible for the replacement costs of damage and/or loss equipment if the personnel are negligent.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	10-day suspension
Second Offense:	10-day suspension	30-day suspension
Third Offense:	Removal	

6.4 Off-Duty Employment:

Officers shall obtain written permission from the Commissioner of Corrections or his designee prior to engaging in off duty work assignments. All members engaged in secondary employment during off-duty hours must recognize that their primary duty, obligation and responsibility are to the Department of Corrections. Members are on call at all times for emergencies, special assignments, or extra duty, and no secondary employment may infringe on these obligations. When off-duty employment is contemplated, the employee shall be mindful that potential conflict of interest is prohibited and it is to be avoided whether it is real or only apparent. The employee should refer to the Personnel Service System Rules and Regulations for guidance.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	Reduction in rank
Second Offense:	30-day suspension	Removal
Third Offense:	Removal	

6.5 Dissemination of Information:

Department personnel shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended and in accordance with established procedures. Personnel may remove or copy official records or reports only in accordance with established procedures.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	Removal
Second Offense:	15-day suspension	Removal
Third Offense:	30-day suspension	Removal

6.6 Department Vehicle:

- a) All personnel shall operate Department vehicles in a careful and prudent manner in order to avoid involvement in traffic accidents resulting in the loss of life, or injury, or damage to motor vehicle or other property.
- b) Department personnel shall see that vehicles assigned for official use shall be ready for immediate service at all times. The tires shall be inflated to normal air pressure, the oil and fuel maintained at proper levels, and all special equipment and supplies are secured and readily available while on the line of duty.
- c) Department personnel shall, when leaving their vehicles unattended, see that the vehicle is properly parked with the handbrakes engaged and locked. Vehicles shall not be left idling unless required by the specific activity.
- d) Department personnel shall utilize Department vehicle for its intended purpose and shall not intentionally abuse, misuse, or damage the vehicles. Any department vehicle involved in an accident shall be immediately reported to the supervisor.
- e) When Department personnel transport non-department persons in a department vehicle, it must be duty-related and approved by the employee's supervisor. Supervisors, investigators and administrative personnel may also transport, but they must be able to prove a duty-related purpose or must be on official business. In the event of an emergency transport, where it is not practical to comply with this rule, the transporting employee shall make immediate notification of the circumstances to his/her supervisor.
- f) Department personnel shall not use a private vehicle for official duties, except with the Commissioner of Corrections or designee's permission, and

personnel shall not use any departmental vehicle without the permission of a supervisory officer.

- g) Department personnel shall ensure that all department vehicles are inspected for debris after each use and cleaned, if necessary.
- h) Department personnel shall maintain a mileage log book under the supervision of Central Control. The vehicle mileage procedures will be followed.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension
Second Offense:	5-day suspension	30-day suspension
Third Offense:	30-day suspension	Removal

6.7 Integrity of Official Documents:

Department personnel shall not alter, destroy or conceal any official report, warrant, or any other official document.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	Removal
Second Offense:	15-day suspension	Removal
Third Offense:	30-day suspension	Removal

6.8 Falsification of Official Documents:

Personnel shall not knowingly falsify or knowingly cause another to falsify any official record or document.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	Removal
Second Offense:	15-day suspension	Removal
Third Offense:	30-day suspension	Removal

6.9 Courtesy to Rank and Position:

In order to maintain professional bearing, Department personnel, while in the course of conducting official business or in public, shall adhere to the practice of addressing superior officers by their professional title.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension

Second Offense:	5-day suspension	15-day suspension
Third Offense:	30-day suspension	Removal

7.0 Lawful Order:

- a) Orders from superior to subordinate shall be clear, concise and coherent, civil in tone, and issued during the conduct of official business. No command or supervisory officer shall knowingly issue an order, which is in violation of any law or departmental rule.
- b) Department personnel shall promptly execute the lawful orders and/or proper instructions of a superior officer of the Department and not delay or fail to carry out such orders or instructions.
- c) Department personnel shall appear when summoned by a superior or Professional Standards Unit investigator, and shall answer all questions asked of them in any Departmental proceedings. Personnel do not have the legal right to remain silent in Departmental proceedings. Disciplinary action or actions may be administered to any employee for failing to appear and for remaining silent or otherwise failing to cooperate with Departmental investigations. Personnel shall obey lawful and proper orders of Professional Standards Unit investigators or superior officers to answer questions related to the internal investigation of misconduct. Personnel who are suspected of illegal use of drugs and/or violation of rules or procedures concerning the use of alcohol shall obey lawful and proper orders from the Professional Standards Unit investigators or superior officers to submit to chemical tests for alcohol and/or drugs. Personnel may be ordered to provide financial disclosure statements or to submit to a lineup, breath test, blood test, voice print identification, handwriting exemplars, or other such tests or examinations when the activity is specifically directed and narrowly related to a particular internal investigation. Employees of the Department enjoy the same constitutional rights afforded to any other citizen of the Commonwealth and the United States, if an employee is a suspect in a criminal investigation; the employee has the right to be represented by counsel and must be advised of his/her constitutional rights before questioning.
- d) During firearms training, all personnel are required to follow training and safety instructions from the Rangemaster.
- e) Department personnel shall support the mission, policies, orders, and procedures of the Department, and shall not criticize or ridicule Departmental policies, during personal speech, writing or by other expression where such interferes with the maintenance of discipline or otherwise undermines the effectiveness of the Department.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	30-day suspension
Second Offense:	30-day suspension	Removal
Third Offense:	Removal	

7.1 Misuse of Computers/Computer Files/Computer Mail:

- a) Department personnel shall not knowingly, directly, or indirectly access, cause to be accessed, or attempt to access any computer software, computer program, data files, computer, computer system, computer network, or any part thereof, for the purpose of obtaining information illegally, or without authorization, or for the purpose of destroying information.
- b) An employee shall not obtain another employee's password and access files or information, which otherwise would have been denied or not made available under their own password and access privileges.
- c) Department computer equipment may be used to access the Internet for official purposes only. Downloading of materials not related to official business or to the performance of official duties and responsibilities is prohibited.
- d) Department personnel shall not alter computer equipment, including removing or installing any software, without authorization from the Commissioner of Corrections or his designee.
- e) Department computer equipment shall not be used for criminal activities.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension
Second Offense:	10-day suspension	30-day suspension
Third Offense:	Removal	

7.2 Training Attendance:

Department personnel are required to attend all scheduled training activities. Personnel who are unable to attend a scheduled training session must notify the Training Coordinator or supervisor prior to the scheduled date and time of the training. The employee must have a bonafide reason for not attending the training.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension

Second Offense:	5-day suspension	30-day suspension
Third Offense:	30-day suspension	Removal

7.3 Loaning Money or Other Valuables to Inmates:

Department personnel shall not loan or give money or anything of value to inmates in custody except with the permission of the Commissioner of Corrections or his designee.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	10-day suspension	30-day suspension
Second Offense:	Reduction in rank	Removal
Third Offense:	Removal	

7.4 Answering the Telephone

Department personnel shall be prompt and courteous at all times when answering the telephone. Personnel answering the telephone must give the department's name, his/her rank or title, including last name, and the normal greeting or offer to provide assistance. For example: "Department of Corrections. Sgt. Smith. Good morning! [or] How may I help you?" Employees should refer to the Telephone Reception Policy and Procedures.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	3-day suspension
Second Offense:	3-day suspension	10-day suspension
Third Offense:	10-day suspension	30-day suspension

7.5 Court Testimony/Subpoena:

- Department personnel shall not be character witnesses, or otherwise testify on behalf of the defense, in any criminal or civil case unless subpoenaed and with the approval of the Commissioner of Corrections and/or the Attorney General's office. Employees shall not volunteer to testify in civil actions, nor shall they enter into any financial agreement or understanding for appearance as witnesses to any trial, without first notifying the Commissioner of Corrections or his designee and/or the Attorney General's office.
- When subpoenaed, Department personnel shall immediately notify his/her supervisor and the Commissioner of Corrections or his designee.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	Removal

Second Offense:	15-day suspension	Removal
Third Offense:	30-day suspension	Removal

7.6 Defacing or Damaging Facilities and Littering:

Department personnel shall not intentionally mark, damage, alter or deface the surfaces of any Department buildings or facilities and/or property, nor shall they litter on government property and buildings, with trash, betelnut chew or tobacco products, including cigarette butts. Full restitution will be sought on damaged property.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	3-day suspension	15-day suspension
Second Offense:	15-day suspension	30-day suspension
Third Offense:	30-day suspension	Removal

7.7 Treatment of Inmates:

Department personnel shall not mistreat physically or psychologically, nor shall their decisions regarding an arrestee and/or inmate be influenced by bias or prejudice as a means of punishing an arrestee and/or an inmate, or for the purpose of gain or revenge. Officers will handle such persons in accordance with applicable CNMI laws and Departmental policies and procedures.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	30-day suspension	Reduction in rank
Second Offense:	Reduction in rank	Removal
Third Offense:	Removal	

7.8 Members Shall Not Attend to Personal Matters:

Department personnel shall not attend to personal matters or non-official business matters during their tour of duty without authorization from a supervisor or superior officer. No supervisor or superior officer shall permit his/her subordinates to attend to personal business or matters if such matters will, or are likely to, interrupt the conduct of operations or effectiveness of the workforce for periods longer than fifteen (15) minutes.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	10-day suspension
Second Offense:	30-day suspension	Reduction in rank
Third Offense:	Reduction in rank	Removal

7.9 Payment of Debts:

- a) Department personnel shall not knowingly and/or intentionally go into indebtedness without the ability to repay their debts, and shall pay all just debts when due. An isolated instance of financial responsibility is not grounds for discipline except in unusually frequent and severe cases. However, repeated instances of financial difficulty may be cause for disciplinary action. Department personnel shall not co-sign a note for any superior officer or supervisor nor shall a supervisor or superior officer co-sign a note for a subordinate.
- b) In addition to any financial disclosure required by law, members shall, upon the order of the Commissioner of Corrections or his designee, submit financial disclosure statements in accordance with established procedures in connection with a complaint in which the information is material to the investigation. Such order shall specifically list the information requested and the reason/s it is needed. An order for such disclosure may be issued only in connection with an investigation of misconduct to which the information is expected to be material.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	10-days suspension
Second Offense:	5-days suspension	20-days suspension
Third Offense:	10-days suspension	Removal

8.0 Issuance of Employee Address or Telephone Number:

Department personnel shall not give out the address, telephone and/or pager number or other personal information of an employee to anyone outside the Department, without the permission of the employee, the employee's supervisor, or higher authority.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	3-days suspension	15-days suspension
Second Offense:	30-days suspension	Removal
Third Offense:	Removal	

8.1 Use of Cigarette and/or Chewing Tobacco:

- a) Cigarette smoking or chewing tobacco is prohibited in all Department buildings.
- b) Cigarette smoking or chewing tobacco is prohibited in all department vehicles.

- c) Smoking cigarettes or chewing tobacco should be at a designated area and all debris associated with cigarettes and/or chewing tobacco should be properly disposed.
- d) Smoking cigarettes or chewing tobacco is prohibited while supervising inmates or otherwise in contact with or in view of the public.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension
Second Offense:	5-day suspension	15-day suspension
Third Offense:	30-day suspension	Removal

8.2 Chewing Betelnut:

- a) Chewing betelnut is prohibited inside the Department facility.
- b) Chewing betelnut is prohibited in all government vehicles.
- c) Chewing betelnut should be at a designated area and all debris associated with the chewing of betelnut should be properly disposed.
- d) Chewing of betelnut while supervising inmates or otherwise in contact with or in view of the public is prohibited.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension
Second Offense:	5-day suspension	15-day suspension
Third Offense:	30-day suspension	Removal

8.3 Failure to Observe Safety Precaution:

Department personnel shall observe all posted rules, signs, written or oral safety instructions, and to use protective clothing or equipment as required.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	5-day suspension
Second Offense:	5-day suspension	20-day suspension
Third Offense:	20-day suspension	Removal

8.4 Borrowing Money, Accepting gifts From Suspects in a Criminal Investigation, From Inmates and/or Former Inmates:

Department personnel shall not borrow money, accept gifts or accept anything of value from a suspect in a criminal investigation or from an inmate that is incarcerated in the Department of Corrections, including former inmates and family members of inmates.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Removal	

8.5 Personal Favors and/or Preferential Treatment on Inmates:

Department personnel shall not assist inmates, their families or friends in personal favors other than what is specified in the department's rules and regulations. Personnel shall not exercise preferential treatment on inmates.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	10-day suspension
Second Offense:	10-day suspension	30-day suspension
Third Offense:	Removal	

8.6 Sexual Activity with an Inmate:

Department personnel shall not engage in any type of sexual activity with an inmate and/or former inmate.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	10-day suspension
Second Offense:	10-day suspension	30-day suspension
Third Offense:	Removal	

8.7 Aiding and Abetting Inmate Violation:

Department personnel shall not aid or abet inmate violation or attempted violation of any law, departmental rules and regulations or commission of any prohibited act,

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	10-day suspension
Second Offense:	10-day suspension	30-day suspension
Third Offense:	Removal	

8.8 Department Personnel are Subject to be Searched:

Department personnel are subject to be searched for contraband and/or weapons prior to entering the DOC facility.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	10-day suspension	Removal
Second Offense:	Removal	

8.9 Gambling, Betting and Lotteries:

While on government-owned or leased property or while on duty for the government, an employee shall not participate in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a number's slip or ticket. However, this section does not preclude activities necessitated by the employee's law enforcement duties and responsibilities.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	10-day suspension
Second Offense:	10-day suspension	30-day suspension
Third Offense:	Removal	

9.0 Breach of Security:

Department personnel shall not release information and/or tamper with security equipment or device, which could breach the security of the institution. Department personnel shall report any breach or possible breach of facility security to his/her immediate supervisor or the chain of command.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	10-day suspension	Removal
Second Offense:	Removal	

9.1 Trafficking Contraband and/or Weapons:

Department personnel shall not traffic contraband and/or weapons into the facility.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	10-day suspension	Removal
Second Offense:	Removal	

9.2 Failure to Follow Orders During an Emergency:

Department personnel shall follow all lawful instructions and orders during an emergency to prevent potential danger to safety and/or damage to property. Department personnel shall respond immediately to an emergency situation.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	10-day suspension	Removal
Second Offense:	Removal	

9.3 Discharge of a Firearm Shall be Reported:

Justification for the use of firearms with deadly force must be limited to what reasonably appears to be the facts known or perceived by an officer at the time he decides to use his/her firearm or weapon. Facts unknown to the officer, no matter how compelling, shall not be considered in determining whether the shooting was justified. Any discharge of a firearm shall be reported immediately to the supervisor.

9.4 Failure or Delay in Carrying Out Orders:

Failure or delay in carrying out orders, work assignments or instructions of supervisors.

<u>Range:</u>	<u>Minimum</u>	<u>Maximum</u>
First Offense:	Reprimand	30-day suspension
Second Offense:	30-day suspension	Removal
Third Offense:	Removal	

10.0 Unspecified Violations:

No Standards of Conduct can be all-inclusive. Under circumstances involving acts of misconduct or violations of departmental policies and procedures not enumerated, the Commissioner of Corrections or his designee shall classify and evaluate violations and administer discipline as necessary.

American Correctional Association Code of Ethics

Preamble: The American Correctional Association expects of its members unfailing honesty, respect for the dignity and individuality of human beings and a commitment to professional and compassionate service. To this end, we subscribe to the following principles:

Members shall respect and protect the civil and legal rights of all individuals.

Members shall treat every professional situation with concern for the welfare of the individuals involved and with no intent to personal gain.

Members shall maintain relationships with colleagues to promote mutual respect within the profession and improve the quality of service.

Members shall make public criticism of their colleagues of their agencies only when warranted, verifiable and constructive.

Members shall respect the importance of all disciplines within the criminal justice system and work to improve cooperation with each segment.

Members shall honor the public's right to information and share information with the public to the extent permitted by law subject to individual's right to privacy.

Members shall respect and protect the right of the public to be safeguarded from criminal activity.

Members shall refrain from using their positions to secure personal privileges or advantages.

Members shall refrain from allowing personal interest to impair objectivity in the performance of duty while acting in an official capacity.

Members shall refrain from entering into any formal or informal activity or agreement, which presents a conflict of interest or is inconsistent with the conscientious performance of duties.

Members shall refrain from accepting any gifts, service, or favor that is or appears to be improper or implies an obligation inconsistent with the free and objective exercise of professional duties.

Members shall clearly differentiate between personal views/statements and views/statements/positions made on behalf of the agency or Association.

Members shall report to appropriate authorities any corrupt or unethical behaviors in which there are sufficient evidence to justify review.

Members shall refrain from discriminating against any individual because of race, gender, creed, national origin, religious affiliation, age, disability, or any other type of prohibited discrimination.

Members shall preserve the integrity of private information; they shall refrain from seeking information on individuals beyond that which is necessary to

implement responsibilities and perform their duties; members shall refrain from revealing nonpublic information unless expressly authorized to do so.

Members shall make all appointments, promotions, and dismissals in accordance with established civil service rules, applicable contract agreements, and individual merit, rather than furtherance of personal interests.

Members shall respect, promote, and contribute to a work place that is safe, healthy, and free of harassment in any form.

The American Correctional Association Code of Ethics is hereby adopted and the Code of Ethics for the Department of Corrections.

Severance Clause

If any provision of this Policy and Procedures or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provisions or application of this Policy and Procedures which can be given effect without the invalid provisions or application, and to this end the provisions of this Policy and Procedures are severable.

The Department of Corrections recognizes that applicable CNMI/Federal laws and provisions of the CNMI Government Property Management Policies and Procedures preside over this policy and procedures.

Prepared By: John M. Ayuyu

John M. Ayuyu
Deputy Director of Corrections

11-15-07

Date

Reviewed By: Gregory F. Castro

Gregory F. Castro
Director of Corrections

11/15/07

Date

Approved By: Dino S. Tenorio

Dino S. Tenorio
Commissioner of Corrections

11/19/07

Date